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Re: Appeal Brief for Application no.10/669,668 filing date: 09/23/2003 Art Unit no. 3628

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09-12-07

TC:3600

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(A) Identification page(s): 1 page.

Applicant's name: Henri Duong

Application no. 10/669,668

Filing date: : 09/23/2003

Title of the invention: America & Europe Reputation Membership For Overseas
Manufacturers, Enterprises, Companies, Representatives..

Name of the examiner: Shannon S. Saliard

Art Unit: 3628

Title of the paper: Appeal Brief

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(B) Table of Contents page(s): 22 pages

(A) Identification page(s): 1 page.

(C) Real party in interest page(s): 1 page.

(D) Related appeals and interferences page(s): 1 page.

(E) Status of claims page(s): 1 page.

(F) Status of amendments page(s): 1 page.

(G) Summary of claimed subject matter page(s): 4 pages.

(H) Grounds of rejection to be reviewed on appeal page(s): 2 pages.

(I) Argument page(s): 3 pages.

(J) Claims appendix page(s): 5 pages.

(K) Evidence appendix page(s): "none".

(L) Related proceedings appendix page(s): "none".

(C) Real party in interest page(s): 1 page.

Applicant's name: Henri Duong

Name of the examiner: Shannon S. Saliard

and a Court/the Board

(D) Related appeals and interferences page(s): 1 page.

Appellant states that this Appeal Brief is related to a Notice of Appeal filed on 07/14/2007 under Application no. 10/669,668 filing date: 09/23/2003.

(E) Status of claims page(s): 1 page.

Appellant states that claims 1-6 were canceled, claims 4-6 were rejected and claims 7-9 are being appealed.

(F) Status of amendments page(s): 1 page.

Appellant states that claims 7-9 are being appealed.

(G) Summary of claimed subject matter page(s): 4 pages.

CLAIMS

Claims 1-6 (canceled)

Claim 7 (which refers to specification in the application by reference characters [0019] paragraph on page no. 4 and [0012] to [0017] drawings page no. 3)

What I claim as my invention is: The original idea and base of inventing in characteristic the using of “reputation value” of the United States of America, Europe and/or any other similar countries are based on comprising “that value” being transformed into “commercial value” by the new local “reputation” office created in the line to handle and collect royalty of foreign currency uniquely from foreign members; overseas manufacturers, enterprises, companies, representatives, organizations, supermarkets, business groups, business with employees and others for them to benefit comprising the using of local “reputation” office names, address, emblems, symbols and others in their letter-heads, catalogs, advertisement, cards on the character of membership grounds.

Claim 8 (which refers to specification in the application by reference characters [0020] to [0035] paragraphs on pages no. 4-6 and [0012] to [0017] drawings page no. 3)

What I claim as my invention is: The original idea and base of inventing “reputation” commercial line in characteristic consist of (1) establishment of an office with name(s), (2) its activity issuing certificates of membership, authorization, policy statement to overseas members upon remittance of membership fee, (3) its policy building to authorize overseas membership companies to use its proper names, address, trademarks, emblems, symbols, other similarities in their letter-heads, catalogs, advertisement, cards for an exchange of royalty, (4) its policy doing uniquely for overseas companies without handling business transaction, (5) based on the result of comprising “commercial value” being created in use of that office in a

“reputation value” country as United States of America, Europe or equivalent that (6) business income of foreign companies augmenting and collection of foreign currency in local country materializing grounds, including:

- basis of inventing and functioning “reputation” commercial line in characteristic wherein establishing an office in U.S.A., Europe and/or any other countries to handle “reputation” membership based on making use of comprising “commercial value” being created in use of that office in a “reputation value” country as America, Europe and/or others to export “that value” from local country to foreign members in other countries through membership basis,
- basis of activity in characteristic wherein activity of line based on comprising foreign “reputation” members receiving certificates of membership from local office signifying “commercial value” of that office in a “reputation value” country as America, Europe and/or others grounds,
- basis of activity in characteristic wherein activity of line based on comprising foreign “reputation” members receiving authorization authorizing to use trademarks, emblems, symbols, name and address of local “reputation” office printed in their correspondence letter-heads, catalogs, advertisements, cards and others overseas grounds,
- basis of activity in characteristic wherein activity of line based on comprising foreign “reputation” members receiving authorization authorizing to use hallmarks, badges, labels, stamps, signs, representations, logos, marks, flags, tokens, others having name and address of local “reputation” office grounds,
- basis of policy statement in characteristic wherein protection statement based on comprising foreign “reputation” members receiving statement maintaining agreement for protection of “reputation value” of America & Europe or equivalent using overseas grounds,
- basis of collecting royalty in characteristic wherein royalty based on comprising foreign “reputation” members remitting royalties timely to local “reputation” office for receiving required documentation to maintain their membership on “reputation value” from that office in new exclusive line grounds,
- basis of activity policy of the line in characteristic wherein there having no business transaction, deal between local office and foreign members except for “reputation”

membership uniquely so local “reputation” office taking no responsibility on any activities of foreign member companies overseas grounds,

- basis of its operation in characteristic wherein the invention functioning comprising from one country to others based on “reputation value” of that country in use transforming into “commercial value” being exported by intermediary of local “reputation” office to foreign member companies through membership grounds,

- basis of “reputation value” in characteristic wherein comprising “reputation value transforming into commercial value” based on putting into practice benefiting the two exchanging parties in self-advertising effect and overseas “reputation value” background obtained being beneficial for an exchange of affordable royalty grounds in view of traditional heavy advertisement charges and considerable expenses of establishing similar subsidiary office overseas,

- basis of useful result of the invention in characteristic wherein useful line being created in use based on comprising the result of business income of foreign companies augmenting and collection of foreign currency in local country materializing grounds,

- excluding that:

- domestic membership associations and chambers functioning membership activities in the same country,

- head office (or subsidiary companies) being established in their own country having their subsidiary companies (or head office) in foreign countries having business links, deals, commercial activities or shareholder(s),

- local companies and agents having their foreign suppliers, exporters and importers in foreign countries in business deals and commercial activities and

- exporters, importers, diplomatic offices in official business, airline and shipping companies in foreign airline, shipping business, banks in foreign banking business.

Claim 9 (which refers to specification in the application by reference characters [0036] paragraph on page no. 6-7)

What I claim as my invention is: The invention(s) and claims include its base, the

original elements, idea of the invention, grounds, composition, function, structure, process of making, any policy, facility for functioning, establishment, materializing, export, connection, contents, illustrations, using of the invention, any other structures, modifications, substitutes in any forms, replacement of parts, of language, of facilities being assembled for performing same/similar function referring to the original fundamentals of the invention to the same effect, addition/reduction part/unit of the invention, combining the invention with other entity, system, policy, functioning the invention as whole/a part of business activities in any association/company under any names with/without collecting fee and any other business affecting interests of the invention being in the scope of the protection of the invention, using the invention everywhere.

(H) Grounds of rejection to be reviewed on appeal page(s): 2 pages.

Claim rejections - 35 USC. 112

1. Claim 5 is objected because it improperly depends upon itself.

- Appellant's amended claim 8 recites a new business line is created depending upon the origin basis and invention of applicant as cited.

2. Claims 4-6 are rejected; claims contain the subject matter which was not described in the specification for the invention in claim(s), specification is unclear of how to make or use the invention of membership association.

- Appellant's amended claims 7-9 recite the subject matter both in the specification and claims of how to make or use the invention.

3. The specification shall conclude at least one claim particularly points out claiming the subject matter as the applicant regards as his invention.

- Appellant's amended claims 7-9 recite that at least one claim particularly points out claiming the subject matter as the applicant's invention among these claims.

4. Claims 4-6 are written in a very confusing and vague manner

- Appellant's amended claims 7-9 recite claims in a manner clear enough to define the invention.

5. The claims are indefinite, they appear a literal translation into English from a foreign document, further the claims appear to be direct copies of portions of the narrative language of the specification.

- Appellant's amended claims 7-9 recite pointing out clearly a created business line. The specification is written in a complete process of making, using the invention and contents being shortened into one sentence form in the claims as needed.

6. Claims 4-6 are rejected, the structure goes to make up the device must be clearly and

positively specified, it must be organized to present a complete operative device in one sentence form.

- Appellant's amended claims 7-9 recite defining the subject matter clearly in a complete operative device in one sentence form.

7. Claims 5-6 are rejected being indefinite that it fails to point out what is included or excluded by the claim language.

- Appellant's amended claims 7-9 recite to point out what is excluded by the claim language.

8. Claim 4 is rejected, it recites the limitation "that value" in line 4.

- Appellant's amended claim 7 recites "comprising that value" and other detailed benefits cited in the claim.

9-10. Claims 4-6 are rejected, "an association" does not fall in the statutory classes of patentable subject matter, a patentable invention is "useful arts" as machine, manufacture, process or composition of matter producing a concrete, tangible, useful result and that the process of claims 4-5 failing to include the steps necessary as required.

- Appellant's amended claims 7-9 recite "a new business line", process of making and how to operate it in necessary steps, which produces both extra income for foreign companies and collection of foreign currency for local country based on useful result of the created "reputation" office being established in operation so "an association" is left out in the claims.

11. Applicant's amendment necessitated the new grounds of rejection presented in this office action.

- Appellant's amended claims 7-9 replace the previous claims 4-6 as required.

(I) Argument page(s): 3 pages.

1. Claim 5 is objected because it improperly depends upon itself.

- Appellant submitted claim 8 as amended to recite a created new business line depending upon the origin basis and invention of applicant.

2. Claims 4-6 are rejected; claims contain the subject matter which was not described in the specification for the invention in claim(s), specification is unclear of how to make or use the invention of membership association.

- Appellant explains that amended claims 7-9 recite the subject matter both in the specification and claims of how to make or use the invention.

3. The specification shall conclude at least one claim particularly points out claiming the subject matter as the applicant regards as his invention.

- Appellant states that amended claims 7-9 recite at least one claim particularly to point out the subject matter claiming as the applicant's invention among these claims.

4. Claims 4-6 are written in a very confusing and vague manner

- Appellant states that amended claims 7-9 recite claims in a manner clear enough to define the invention.

5. The claims are indefinite, they appear a literal translation into English from a foreign document, further the claims appear to be direct copies of portions of the narrative language of the specification.

- Appellant states that amended claims 7-9 recite pointing out clearly a created business line. The specification is written in a complete process of making, using the invention and contents being shortened into one sentence form in the claims as needed and that the original idea was written in applicant's mother language translated into English.

6. Claims 4-6 are rejected, the structure goes to make up the device must be clearly and

positively specified, it must be organized to present a complete operative device in one sentence form.

- Appellant states that amended claims 7-9 recite defining the subject matter clearly in a complete operative device in one sentence form.

7. Claims 5-6 are rejected being indefinite that it fails to point out what is included or excluded by the claim language.

- Appellant states that amended claims 7-9 recite in pointing out what is excluded by the claim language.

8. Claim 4 is rejected, it recites the limitation "that value" in line 4.

- Appellant states that amended claim 7 recites "comprising that value" and other detailed benefits cited in the claim.

9-10. Claims 4-6 are rejected, an association does not fall in the statutory classes of patentable subject matter, a patentable invention is "useful arts" as machine, manufacture, process or composition of matter producing a concrete, tangible, useful result and that the process of claims 4-5 failing to include the steps necessary as required.

- Appellant states that amended claims 7-9 recite "a new business line", process of making and how to operate it in necessary steps, which produces both extra income for foreign companies and collection of foreign currency for local country based on useful result of the created "reputation" office being established in operation so "an association" is left out in the claims.

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

- Appellant states that amended claims 7-9 replace the previous claims 4-6 as required.

Do you consider that the examiner made this action final so early that the appellant must overpay extra fees for filing Notice of Appeal and Appeal Brief during which the required amendment in claim(s) has to be made?

Your Advisory Action Before the Filing of an Appeal Brief stating that the amended claims 7-9 raise new issues being not previously considered.

- Appellant argues and cites that amended claims 7-9 recite “a new business line” and how to operate it in necessary steps transformed from the original process of specification as well as claims in the application without raising any new issue under the same Art Unit 3628.

(J) Claims appendix page(s): 5 pages.

CLAIMS

Claims 1-6 (canceled)

Claim 7 (new)

What I claim as my invention is: The original idea and base of inventing in characteristic the using of “reputation value” of the United States of America, Europe and/or any other similar countries are based on comprising “that value” being transformed into “commercial value” by the new local “reputation” office created in the line to handle and collect royalty of foreign currency uniquely from foreign members; overseas manufacturers, enterprises, companies, representatives, organizations, supermarkets, business groups, business with employees and others for them to benefit comprising the using of local “reputation” office names, address, emblems, symbols and others in their letter-heads, catalogs, advertisement, cards on the character of membership grounds.

Claim 8 (new)

What I claim as my invention is: The original idea and base of inventing “reputation” commercial line in characteristic consist of (1) establishment of an office with name(s), (2) its activity issuing certificates of membership, authorization, policy statement to overseas

members upon remittance of membership fee, (3) its policy building to authorize overseas membership companies to use its proper names, address, trademarks, emblems, symbols, other similarities in their letter-heads, catalogs, advertisement, cards for an exchange of royalty, (4) its policy doing uniquely for overseas companies without handling business transaction, (5) based on the result of comprising “commercial value” being created in use of that office in a “reputation value” country as United States of America, Europe or equivalent that (6) business income of foreign companies augmenting and collection of foreign currency in local country materializing grounds, including:

- basis of inventing and functioning “reputation” commercial line in characteristic wherein establishing an office in U.S.A., Europe and/or any other countries to handle “reputation” membership based on making use of comprising “commercial value” being created in use of that office in a “reputation value” country as America, Europe and/or others to export “that value” from local country to foreign members in other countries through membership basis,

- basis of activity in characteristic wherein activity of line based on comprising foreign “reputation” members receiving certificates of membership from local office signifying “commercial value” of that office in a “reputation value” country as America, Europe and/or others grounds,

- basis of activity in characteristic wherein activity of line based on comprising foreign “reputation” members receiving authorization authorizing to use trademarks, emblems, symbols, name and address of local “reputation” office printed in their correspondence letter-heads, catalogs, advertisements, cards and others overseas grounds,

- basis of activity in characteristic wherein activity of line based on comprising foreign “reputation” members receiving authorization authorizing to use hallmarks, badges, labels, stamps, signs, representations, logos, marks, flags, tokens, others having name and address of local “reputation” office grounds,

- basis of policy statement in characteristic wherein protection statement based on comprising foreign “reputation” members receiving statement maintaining agreement for protection of “reputation value” of America & Europe or equivalent using overseas grounds,

- basis of collecting royalty in characteristic wherein royalty based on comprising foreign “reputation” members remitting royalties timely to local “reputation” office for receiving required documentation to maintain their membership on “reputation value” from that office in new exclusive line grounds,

- basis of activity policy of the line in characteristic wherein there having no business transaction, deal between local office and foreign members except for “reputation” membership uniquely so local “reputation” office taking no responsibility on any activities of foreign member companies overseas grounds,

- basis of its operation in characteristic wherein the invention functioning comprising from one country to others based on “reputation value” of that country in use transforming into “commercial value” being exported by intermediary of local “reputation” office to foreign member companies through membership grounds,

- basis of “reputation value” in characteristic wherein comprising “reputation value transforming into commercial value” based on putting into practice benefiting the two exchanging parties in self-advertising effect and overseas “reputation value” background

obtained being beneficial for an exchange of affordable royalty grounds in view of traditional heavy advertisement charges and considerable expenses of establishing similar subsidiary office overseas,

- basis of useful result of the invention in characteristic wherein useful line being created in use based on comprising the result of business income of foreign companies augmenting and collection of foreign currency in local country materializing grounds,

- excluding that:

- domestic membership associations and chambers functioning membership activities in the same country,

- head office (or subsidiary companies) being established in their own country having their subsidiary companies (or head office) in foreign countries having business links, deals, commercial activities or shareholder(s),

- local companies and agents having their foreign suppliers, exporters and importers in foreign countries in business deals and commercial activities and

- exporters, importers, diplomatic offices in official business, airline and shipping companies in foreign airline, shipping business, banks in foreign banking business.

Claim 9 (new)

What I claim as my invention is: The invention(s) and claims include its base, the original elements, idea of the invention, grounds, composition, function, structure, process of making, any policy, facility for functioning, establishment, materializing, export, connection,

contents, illustrations, using of the invention, any other structures, modifications, substitutes in any forms, replacement of parts, of language, of facilities being assembled for performing same/similar function referring to the original fundamentals of the invention to the same effect, addition/reduction part/unit of the invention, combining the invention with other entity, system, policy, functioning the invention as whole/a part of business activities in any association/company under any names with/without collecting fee and any other business affecting interests of the invention being in the scope of the protection of the invention, using the invention everywhere.

(K) Evidence appendix page(s): "none".

(L) Related proceedings appendix page(s): "none".